



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

TJR
Docket No: 4079-00
8 December 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 5 December 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you reenlisted in the Navy on 12 December 1980 after two years and three months of prior honorable service.

Your record reflects that on 9 March 1981 you received nonjudicial punishment (NJP) for a 19 day period of unauthorized absence (UA) and were awarded a reduction in rate. On 22 May 1981 you received NJP for two incidents of absence from your appointed place of duty and were awarded restriction for 10 days. Approximately three months later, on 10 July 1981, you received NJP for a 22 day period of UA. The punishment imposed was restriction for 30 days, extra duty for 20 days, and a reduction in rate.

Your record further reflects that during the period from 7 August to 28 September 1981 you received NJP on four more occasions for absence from your appointed place of duty, failure to obey a lawful order, a day of UA, and assault. You were also UA for three days during this period, but no disciplinary action was taken for this offense.

Subsequently, on 2 October 1981, you were notified of pending administrative separation by reason of misconduct due to frequent involvement of a discreditable nature with military and civilian authorities. At this time you waived your rights to consult with legal counsel and to present your case to an administrative discharge board. On 8 October 1981 your commanding officer recommended you be issued an other than honorable discharge by reason of misconduct due to frequent involvement of a discreditable nature with military authorities as evidenced by seven NJPs. On 25 October 1981 the discharge authority approved this recommendation and directed your commanding officer to issue you an other than honorable discharge. On 29 October 1981 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that you received a general discharge. However, the Board concluded these factors were not sufficient to warrant recharacterization of your other than honorable discharge given the serious nature of your frequent misconduct, which resulted in seven NJPs. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Further, the Board noted that there is no evidence in your record, and you submitted none, to support your contention that you received a general discharge. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director